



Comptroller General
of the United States

Washington, D.C. 20548

Maeder

Decision

Matter of: Triple P Services, Inc.

File: B-270614.3

Date: January 19, 1996

DECISION

Triple P Services, Inc. protests the award of a contract to KCA Corporation under invitation for bids (IFB) No. DAKF40-95-B-0017, issued by the Department of the Army for hospital housekeeping services at Womack Army Medical Center, Ft. Bragg, North Carolina. The protester alleges that KCA does not meet a definitive responsibility criterion specified in the solicitation.

Subsequent to the filing of the protest, the Army reviewed its award decision and determined that both the protester and KCA are nonresponsible because they fail to meet definitive responsibility criteria specified in the IFB. The agency has notified our Office that, in accordance with Federal Acquisition Regulation (FAR) § 19.602-1(a)(2), it has referred both nonresponsibility determinations to the Small Business Administration (SBA) for review under its Certificate of Competency (COC) procedures.

We dismiss the protest because we have no basis to review an agency's decision to refer a question of contractor responsibility to the SBA.

The Small Business Act, 15 U.S.C. § 637(b)(7), gives the SBA, not our Office, the conclusive authority to review a contracting officer's determination that a small business is not responsible. Since the SBA has exclusive authority to finally determine the responsibility of a small business, our Office generally does not review either the contracting officer's decision to refer a responsibility question to the SBA, or the SBA's decision to issue or deny a certificate of competency. See Section 21.5(b)(3), 60 Fed. Reg. 40,737, 40,742 (Aug. 10, 1995) (to be codified at 4 C.F.R. § 21.5(b)(3)); MRL, Inc.—Request for Recon., B-235673.4, Aug. 29, 1989, 89-2 CPD ¶ 188.

The protest is dismissed.

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